

# Public Agenda Pack



Notice of Meeting of

## **PLANNING COMMITTEE - SOUTH**

**Tuesday, 28 November 2023 at 2.00 pm**

**Council Chamber, Council Offices,  
Brympton Way, Yeovil BA20 2HT**

To: The members of the Planning Committee - South

Chair: Councillor Peter Seib  
Vice-chair: Councillor Jason Baker

Councillor Steve Ashton	Councillor Mike Best
Councillor Henry Hobhouse	Councillor Andy Kendall
Councillor Jenny Kenton	Councillor Tim Kerley
Councillor Sue Osborne	Councillor Oliver Patrick
Councillor Evie Potts-Jones	Councillor Jeny Snell
Councillor Martin Wale	

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Monday, 27 November 2023** by email to [democraticservicessouth@somerset.gov.uk](mailto:democraticservicessouth@somerset.gov.uk). Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be recorded and then uploaded to YouTube following the meeting.

Members of the public are welcome to attend the meeting.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

Issued by David Clark, Monitoring Officer (the Proper Officer) on Friday, 17 November 2023.

# **AGENDA**

**Planning Committee - South - 2.00 pm Tuesday, 28 November 2023**

**Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)**

**Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)**

**[Click here to join the online meeting \(Pages 15 - 16\)](#)**

## **1 Apologies for Absence**

To receive any apologies for absence and notification of substitutions.

## **2 Minutes from the Previous Meeting**

To approve the minutes from the previous meeting.

The minutes document will be published separately as a supplement to this agenda.

## **3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

#### **4 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) by 5pm on Wednesday 22 November 2023.

#### **5 Planning Application 23/00606/FUL - Land at Merryfield Lane, Ilton, Ilminster TA19 9HA (Pages 17 - 40)**

To consider an application for the installation of groundmounted photovoltaic modules together with sub stations to create a small solar farm generating carbon-free electricity.

#### **6 Planning Application 23/00860/R3C - Land at The Triangle, Middle Street, Yeovil BA20 1LQ (Pages 41 - 52)**

To consider an application for planning permission for a proposed large LED screen.

#### **7 Planning Application 23/00861/ADV - Land at The Triangle, Middle Street, Yeovil BA20 1LQ (Pages 53 - 60)**

To consider an application for advertising consent for a large LED screen.

#### **8 Appeal Decisions (for information) (Pages 61 - 62)**

## **Other Information:**

### **Exclusion of the Press and Public for any discussion regarding exempt information**

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

#### **Exclusion of the Press and Public**

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

**Reason:** Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda)

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## Public Guidance Notes for Planning Committees

### Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

### **How do I register to speak at Planning Committee?**

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to [democraticservicessouth@somerset.gov.uk](mailto:democraticservicessouth@somerset.gov.uk) . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.



### **Can I present information to the Committee?**

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

### **How do I know what time an application will be heard?**

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

### **What if my Division Member does not sit on the Planning Committee?**

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

### **Presentation of planning applications**

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

### **The role of Officers during the debate of an application**

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

### **Recording of the Meeting**

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



## Councillor reminder for declaring interests

The [Members' Code of Conduct](#) deals with declaration of interests and participation at meetings.

### **Non participation in case of Disclosable Pecuniary Interest**

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests\*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Disclosure of Other Registerable Interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests\*\*, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Other Registrable Interest relates to -

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

### **Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being**

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not**

take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being**

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosable Pecuniary Interests\***

1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.
2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.
3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.
4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.
6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

### **Other Registerable Interests\*\***

\*\*a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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## Microsoft Teams meeting

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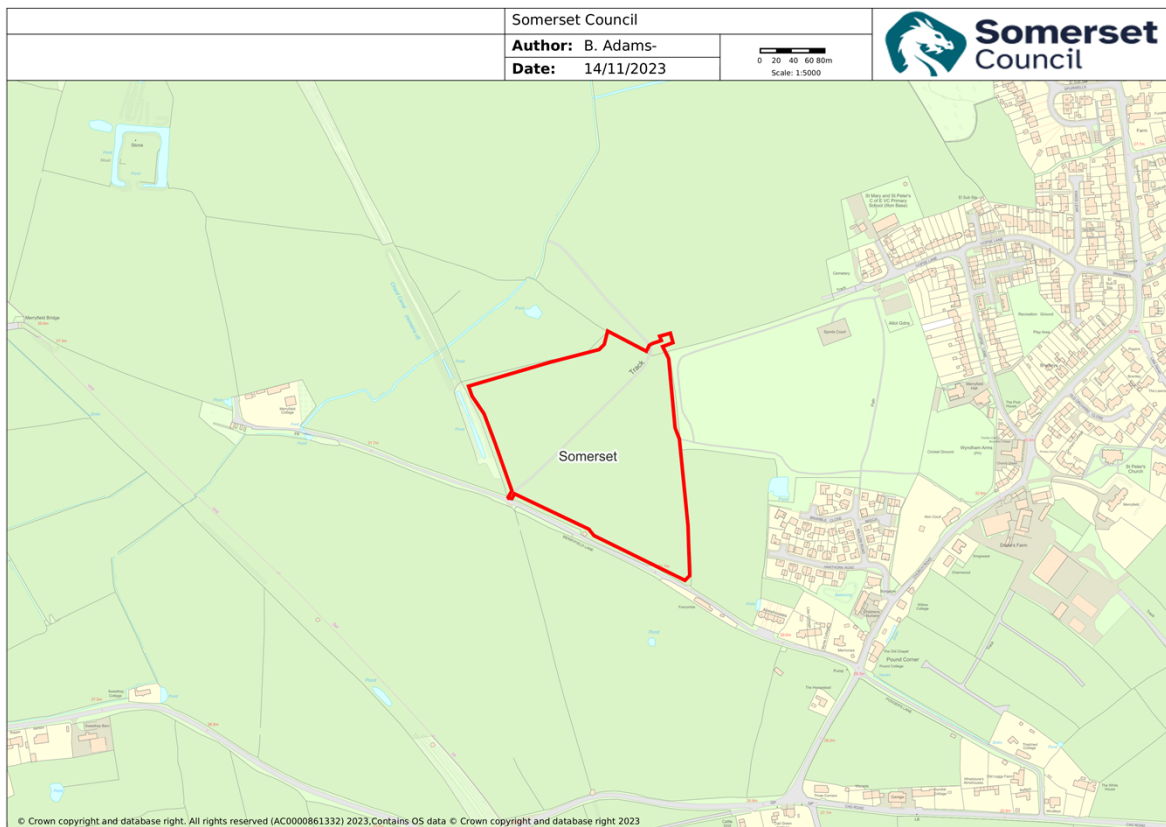
**Officer Report On Planning Application: 23/00606/FUL**

<b>Proposal:</b>	Installation of groundmounted photovoltaic modules together with sub stations to create a small solar farm generating carbon-free electricity.
<b>Site Address:</b>	Land At Merryfield Lane, Ilton, Ilminster, Somerset, TA19 9HA
<b>Parish:</b>	Ilton
<b>SOUTH PETHERTON &amp; ISLEMOOR Division</b>	Cllr Adam Dance Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Colin Begeman (Principal Specialist)
<b>Target date:</b>	22nd June 2023
<b>Applicant:</b>	SSW Developments Ltd
<b>Agent: (no agent if blank)</b>	Mr Anthony Carthy - James Carthy And Company Ltd Olive Tree House, Mare Lane, Beer, Seaton EX12 3NB
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

**REASON FOR REFERRAL TO COMMITTEE**

In compliance with the Somerset Council Scheme of Delegation this is a major planning application and is required to be referred to the South Planning Committee for determination on the basis that the officer recommendation is contrary to the Parish Council's views.

# SITE DESCRIPTION AND PROPOSAL



The proposed site is located adjacent to Merryfield Lane at Ilton, Ilminster, Somerset, TA19 9EZ. The installation area is within a hedged field, outlined in red on the location plan included in the application.

The site is part of a tenanted farm holding of approximately 200 hectares. The farm is primarily dairy with some arable and root crops grown for cattle feed and lamb finishing. The application site is permanent grassland, unsuitable for root crops due to its stony nature. Sheep grazing occurs during the winter months, and the land is assessed as grade 3 quality.

The solar panel installation comprises a plan area of 1.02 hectares of 3380 panels within a fenced enclosure of 2.72 hectares, within a larger hedged enclosure of 5 hectares.

The overall height of the panels will be approx. 2.7m above existing ground level, providing sufficient room for sheep to graze underneath. Connection via an underground electrical cable between the installation and the switchgear building is proposed meaning no additional overhead cables will be required. Access will be via the existing gateway on Merryfield lane

## **HISTORY**

There is no planning history for this site, however an Environmental Impact Assessment screening opinion (22/02308/EIASS) for the neighbouring site confirmed that the size of development did not trigger the requirement for an Environmental Impact Assessment.

## **POLICY**

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework (2021)

Chapter 12 Achieving well designed places

Chapter 15 - Conserving and Enhancing the Natural Environment

Other documents:

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

### **Parish Council:**

Object on the following grounds:

Disturbance to habitats of wildlife during the construction works

Merryfield Lane is a narrow single-track highway with no pedestrian footway. A well-used public right of way (CH15/21) exits from the proposed site location to this road. Large vehicles using this road to access the site will pose serious risks to pedestrians as there are few places to safely pass.

The road surface is in very poor condition, an increase traffic, particularly with large heavy vehicles during construction phase will cause further deterioration to the road surface, in turn causing increased hazards to users of this road.

In addition, there are concerns regarding disruption to the use of the public right of way and potential safety hazards during construction.

The recommendation to maintain hedges on a 3-year rotation causes concern for the potential to encroach on the adjoining public right of way.

It is understood that there will be noise generated from the sub stations. The parish council would like to see that all possible measures are taken to reduce the impact of noise generated on neighbours, wildlife and users of the local amenities.

Although the council understands the application has been made for the proposed location, it is felt that the previously identified location in screening application 22/02308/EIASS, referred to in the design and access statement, would have been more suitable, with less impact on the local residents.

Although not on the proposed site, there is an adjacent site of which has been awarded Scheduled Monument Status - Merryfield Moated Site, and there is a WW2 Pill Box located within the proposed development site. Any potential impact on these from development of the site must be carefully considered.

### **MOD:**

No objection

**SCC Highway Authority:**

No objection subject to conditions

**Fire Service**

No objection

**Somerset Ecology Services:**

No objection subject to conditions

**Archaeology:**

The site has been subject to geophysical survey which showed that significant remains are not likely to be present on the site. However, the applicant has accepted in the Planning and Design and Access document that archaeological monitoring should take place on aspects of the scheme to ensure any archaeology that is exposed is properly recorded.

For this reason, I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 205).

This should be secured by the use of the following conditions attached to any permission granted:

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)  
Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

**REPRESENTATIONS**

11 contributors - 6 objections - 4 supporters - 1 neutral representation

## **Summary of objections:**

**Visual Impact and Disruption:** The proposed solar farm in Merryfield Lane is objected to because it will visually impact those living closest to the field, causing disruption during construction. The public right of way through the field, frequently used by dog walkers, will be affected.

**Unsuitability of Location:** The solar panels and surrounding fences are considered unsightly and not in harmony with the surroundings. The road along Merryfield Lane is deemed unfit for heavy-duty traffic, and the habitats and wildlife in the area will be negatively affected by construction and noise.

**Monument Status and Historic Significance:** The proposed site adjoins the historic Merryfield Moated Site, which has been awarded Scheduled Monument Status. The location also encompasses a public footpath and a WW2 "war building" in the form of a pillbox, adding historical significance that should be considered.

**Traffic and Infrastructure Concerns:** The objection emphasises the potential increase in traffic during the estimated 20 weeks of construction, including large lorries and daily worker commutes. The current state of Merryfield Lane, with potholes and narrow passages, poses safety concerns for pedestrians, cyclists, and other users.

**Agricultural and Wildlife Impact:** The objection raises concerns about the impact on agricultural land with a public footpath, emphasising that no consideration has been given to site safety. Additionally, there are worries about the detrimental impact on wildlife in adjacent woodland and marshland.

**Lack of Local Benefit:** The objector questions the overall benefit to the village, suggesting alternative uses for the land such as a local farmers market or shop. The objection concludes by expressing a view that the proposed development does not align with the ideal development of the countryside.

## **Summary of support:**

**Climate Change and Wildlife Protection:** The supporter acknowledges the necessity of the solar farm application to reduce the impact of climate change and protect wildlife, ecosystems, and human well-being. However, they emphasise the importance of considering factors to minimise the impact on the local area and existing ecosystems.

**Ecological Considerations:** The supporter advocates for construction that is

sympathetic to existing ecological habitats, minimizing disturbance. They propose not only the retention of habitats on the site but also the creation of additional habitats in advance to accommodate wildlife that might be disturbed during construction.

**Safety Concerns:** The supporter expresses concerns about safety on Merryfield Lane during construction, particularly with increased vehicle movements on the already poor-condition road. They highlight the need for measures to ensure the safety of pedestrians using the public right of way, especially those with pets and small children.

**Renewable Energy Support:** The supporter expresses full support for renewable energy, stating that "the more renewable energy, the better." They specifically endorse the use of solar panels in the proposed location, emphasising that renewable energy is preferable to future housing development on the field.

**Visual Impact Consideration:** The supporter living next to the field indicates conditional support for the application, emphasising that visual impact is acceptable. However, they strongly reject any noise or intrusion that would affect their daily lives.

**Preference for Solar Panels Over Housing:** The supporter supports the application partly because solar panels are seen as a preferable alternative to future housing development on the field, especially considering the previous builder's access to the land.

Overall, the supporter expresses strong support for the solar farm application with a focus on ecological sensitivity, safety, and the benefits of renewable energy.

### **Neutral representation**

The individual expresses a neutral stance on the solar farm application, highlighting both support for renewable energy and concerns related to the access to the intended field. They express a preference for a solar installation over a housing estate but raise specific issues:

**Misrepresentation in Consultation:** The individual disputes the claim in the Planning and Design Access Statement that local residents were consulted on improvements to the lane, asserting that this information needs correction.

**Lane Condition and Vehicle Suitability:** Emphasis is placed on the unsuitability of Merryfield Lane for large vehicles, as it is neither designed nor maintained for such

use. The existing poor state of repair is a concern, and the individual anticipates further deterioration with an increase in traffic, potentially rendering the lane impassable.

**Access Challenges:** Being at the end of Merryfield Lane, the individual highlights that it is the only access point for them and others, including visitors and deliveries. Past refusals of deliveries due to the lane's condition are mentioned, and concerns are raised about the intended sustained and increased traffic.

**Pedestrian Safety:** The existence of a public right of way (PROW) leading onto the lane is noted, with concerns about the safety of pedestrians, including children, families, and dog walkers. The lack of a footpath exposes pedestrians directly to oncoming traffic, posing potential risks.

The individual concludes by stating that solutions to these issues would be necessary for them to support the planning application, indicating a conditional stance pending the resolution of the mentioned concerns.

## **CONSIDERATIONS**

### **Principle of Development**

The National Planning Policy Framework (NPPF) advises that local planning authorities, when evaluating renewable and low carbon development applications, should not demand a demonstration of the overall need for such energy but should recognise the valuable contribution even small-scale projects make in reducing greenhouse gas emissions (paragraph 158). Local Plan Policy EQ1 encourages renewable energy projects, specifying that they will be permitted as long as they don't significantly impact residential and visual amenity, landscape character, designated heritage assets, or biodiversity. EQ2 underscores the importance of safeguarding the area's landscape character and considers visual appearance a crucial factor in assessing environmental harm.

While prioritising brownfield sites over greenfield agricultural land is preferable, there is no initial obligation for developers to consider brownfield sites. The supporting information highlights that the proposed arrays will be situated on grade 3 poor-quality agricultural land with severe limitations on crop variety and yields. According to NPPF paragraph 174, planning decisions should enhance the natural and local environment, recognising the benefits of the best agricultural land. Although the Local Plan lacks a specific policy for protecting agricultural land, the proposal intends to continue agricultural use, and the use of poor-quality land is not sufficient grounds



for refusal.

The proposal, if approved, would be granted on a long-term but temporary basis (41 years), encompassing construction (approximately 20 weeks), operation (40 years), and decommissioning (approximately 20 weeks) phases. A condition could be imposed to ensure site restoration after its approved use ceases, making the agricultural land's use for a solar farm acceptable. Key considerations for the application include landscape character, visual appearance, impact on heritage assets, highway safety, residential amenity, food risk, drainage, and biodiversity.

### **Impact on Heritage Assets:**

A Historic Environment Desk Based Assessment found a Heritage Assets nearby but concluded it would not be harmed by the proposed development. Given the distances proposed, the scale and the temporary nature of the development it is considered that the Heritage Assets would not be harmed.

Archaeological potential is considered low to moderate, and South West Heritage Trust sees no archaeological implications or objections subject to conditions securing a Written Scheme of Investigation.

### **Highway Safety:**

The proposal aligns with Local Plan policies for safe access and parking.

The County Highway Authority sees minimal traffic impact and recommends conditions for construction management.

Public Rights of Way (PROW) concerns are addressed, and any works are to be agreed with the County Public Rights of Way team to be secured by a condition.

### **Residential Amenity:**

The solar panels are set at a sufficient distance from the nearest neighbouring property not to detract from their residential amenity.

The issue regarding perceived noise by residents from transformers or other equipment will be subject to a mitigation scheme secured by condition.

### **Flood Risk and Drainage:**

The Flood Risk Assessment (FRA) concludes that the site is not at significant risk of flooding, and proposed measures mitigate any potential impact and is subject to recommended conditions.

### **Biodiversity:**

Preliminary Ecological Appraisal finds no significant impact on wildlife, with recommendations for biodiversity enhancement measures.

A Biodiversity Management Plan outlines further measures for biodiversity enhancements.

The County Ecologist raises no objections with recommended conditions.

### **Conclusion:**

The proposed solar farm aligns with government advice on renewable energy projects.

Benefits of renewable energy provision outweigh perceived impacts on landscape, heritage, highway safety, residential amenity, flood risk, and biodiversity.

The proposal is in line with the National Planning Policy Framework and relevant local policies.

In summary, the application is recommended for approval, considering its positive contributions to renewable energy and compliance with planning policies.

### **Justification**

Government advice states that local planning authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable. It is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, would outweigh the impact of the proposed PV panels on the local landscape character and appearance, and any perceived impact on the setting of the nearby heritage asset. In addition, the proposal would not cause significant and demonstrable detriment to highway safety, residential amenity, flood risk and drainage and biodiversity interests. As such the proposal accords with the

Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, Policies SD1, EQ1, EQ2, EQ3, EQ4, EQ5, EQ7, EP5, TA5 and TA6 of the South Somerset Local Plan.

## **RECOMMENDATION**

Approve subject to conditions

01. Government advice states that local planning authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable. It is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, would outweigh the impact of the proposed PV panels on the local landscape character and appearance, and any perceived impact on the setting of the nearby heritage asset. In addition, the proposal would not cause significant and demonstrable detriment to highway safety, residential amenity, flood risk and drainage and biodiversity interests. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, Policies SD1, EQ1, EQ2, EQ3, EQ4, EQ5, EQ7, EP5, TA5 and TA6 of the South Somerset Local Plan

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. Except for any details which require the submission of additional information being the subject of any condition attached to this permission, in all other respects The development hereby permitted shall be carried out in accordance with the following approved drawings:

2269-ILTON-109.001 Existing Site Plan

2269-ILTON-110.001 Access Plan

2269-ILTON-TA19 9HA-107 Fence Details

2269-ILTON-TA19 9HA-105.002 Array Details

2269-ILTON-TA19 9HA-SSW101.003 Block Plan

2269-ILTON-TA19 9HA-SSW103.002 Location Plan

2269-ILTON-TA19 9HA-SSW102.002 Location Plan  
2269-ILTON-TA19 9HA-SSW106 Substation  
2269-ILTON-TA19 9HA-SSW108.003 DNO Substation  
ILTON PV LVA REPORT ISSUED REV A  
Planning and Design and Access Statement Ilton PDAS 1f  
Heritage Assessment - Jan 2023  
LANDSCAPE AND VISUAL APPRAISAL - February 2023  
Flood Risk Assessment FRA1a  
Ecological Impact Assessment - 21.11.22

Reason: For the avoidance of doubt and in the interests of proper planning, and in the interests of visual amenity.

03. The development hereby permitted shall be removed and the land restored to its former condition within 40 years and six months of the date of the first generation of electricity or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site. The date of the first generation of electricity shall be confirmed in writing to the Local Planning Authority by the applicant within one week of the first generation of electricity.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and Policies EQ1, EQ2 and EQ5 of the South Somerset Local Plan

04. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme shall aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims and shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details, and thereafter so retained and maintained.

These details shall include:

- a) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. There must also be due consideration to the compacting of soil during the construction of a solar site. Compaction of the soil and lack of vegetation cover will increase both run off and pollution to receiving watercourses.
- b) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- c) Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- d) Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- e) Provision to be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
- f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. There must be ongoing consideration into the operation and maintenance of the site and drainage strategy. The applicant must ensure that the ground cover and vegetation is maintained appropriately.

Reason: The agreement of details of a surface water drainage scheme and a programme of implementation and maintenance for the lifetime of the development prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

05. No development shall commence unless a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include:

- a) Construction vehicle movements.
- b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
- c) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site, including procedures to be put in place for any emergency deviation of agreed working hours. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours.
- d) All construction deliveries being made off highway.
- e) On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman.
- f) Expected number of construction vehicles per day.
- g) All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements.
- h) Measures to be implemented to prevent the potential for heavy vehicles, plant and machinery from altering the topography (for example by creating wheel ruts), thereby altering surface water exceedance flow routes. Where access tracks need to be provided, permeable tracks should be used, and localised

SUDS should be used to control any run-off. There must be no interruption to the surface water drainage system of the surrounding land nor changes to exceedance flow paths as a result of the operations on the site.

- i) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- j) A scheme to encourage the use of Public Transport amongst contractors.
- k) On-site vehicle wheel washing and vehicle wash-down facilities and the regular use of a road sweeper for local highways.
- l) Measures (including screening) to control the emission of dust, fumes, odour, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
- m) Oils/chemicals and materials - materials shall not be left lying loose anywhere on site.
- n) Storage areas and compounds - any chemicals or fuel to be stored on-site shall be in a locked compound, with bunding created around the compound to avoid accidental spillages into the stream.
- o) The location and form of work - all construction materials shall be stored in lifting sacks to prevent accidental spillage or run-off into the river; concrete shall be mixed off-site and poured in a controlled manner; no off-loading or pumping of any potential pollutants shall be undertaken at any time;
- p) A scheme for recycling/disposing of waste resulting from any construction works. All waste materials on site shall be placed immediately into a skip or vehicle for removal from the site. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process, unless prior written approval is obtained from the Local Planning Authority.
- q) Methods and means of management of soils through the construction, operation and restoration phases.

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise the risks of pollution from the development; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; in the interests of highway safety during the construction process, and in the interests of European and UK protected species, having regard to Policies TA5, EQ1, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

06. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting bird habitat clearance measures, possible reptile habitat clearance, badgers buffer zones, bats, protection of hedgerows/trees and invasive plant measures for Himalayan Balsam.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; the prevention of harm being caused to the amenity of the area; and in the interests of European and UK protected species, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

07. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:



- a) Description and evaluation of features to be created, restored, protected and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

08. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. The landscaping scheme shall include details of:

- a) Planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form root types/root volumes and size of proposed tree, hedge and shrub, and also including native species which occur locally and chosen to provide food for insects on which bats feed. All new trees and hedges planted on site should ideally be from local native stock, such as blackthorn, field maple, ash, hornbeam, hazel, dogwood, spindle and/or

beech. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats, and the shrubs must also appeal to night-flying moths which are a key food source for bats.

- b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
- c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
- d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).
- e) Existing and proposed finished levels (to include details of grading and contouring of land and any earthworks and details showing the relationship of any proposed mounding to existing vegetation and surrounding landform where appropriate).
- f) The means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures).
- g) The location, type and materials to be used for hard surfacing (including where applicable for permeable paving, tree pit design, underground modular systems, sustainable urban drainage integration and use within tree Root Protection Areas), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
- h) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate.
- i) An on-going management and maintenance plan of all the approved landscaping features.
- j) A timetable for the implementation of the approved hard and soft landscaping scheme.

- k) The body or organization responsible for implementation, and subsequent management and maintenance, of the approved landscaping plan.

There shall be no excavation or raising or lowering of levels within any prescribed root protection areas of retained trees and hedges unless previously approved in writing by the Local Planning Authority.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. A Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to use of the development: The content of the BEMP shall include the following:

- Installation of at least 3 x 2F Schwegler Bat Boxes (or similar) will be installed on to mature trees on site, facing south or west, at a height above 3m.
- Installation of 3 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- A strip of wildflower grassland should be created along the margins of the site, to create a buffer around the inside of the hedgerows/trees, sown with an appropriate seed mixture (Meadow Mixtures for Specific Soils - Emorsgate Seeds (wildseed.co.uk)), and retained and allowed to grow as an enhancement for wildlife.
- Installation of a new native species rich hedgerow to be planted along the boundaries of the site, including additional planting/enhancement of the

retained hedgerows around the site to increase species diversity. The hedgerows should be comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be ancient coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.

- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- At least 2 x hibernacula/log piles for common reptiles/amphibians will be created on the boundary of the site, near the hedgerows.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

10. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

11. The removal of any trees (including the fallen tree mentioned in the Ecological Impact Assessment carried out by GE Consulting in November 2022) will proceed under a Non-licensed Working Method Statement (WMS). The WMS should include details of supervision of works by a bat licenced ecologist, a pre-works endoscope survey of the tree(s) to be removed, timing of works, any pre-works 'toolbox talks', and the provision of a bat box on a nearby tree to accommodate any discovered bat(s). Confirmation of the works by the licensed bat ecologist should be submitted to the Local Planning Authority within one week of completion.

Reason: To ensure the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

12. Where external lighting is to be installed, prior to commencement, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting should be directional and shielded to prevent light overspill on to any boundary hedgerows and trees. Lux levels should be below 0.5 Lux. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

13. Prior to commencement of the construction phase of the development hereby permitted, any access to be used over at least the first 20 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and convenience in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. The driveway between the edge of carriageway and the entrance gate shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interests of highway safety and convenience in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. Any entrance gates erected shall be hung to open inwards and shall be set back a distance from the carriageway edge as previously agreed in writing by the Local Planning Authority. Thereafter, such approved details shall be maintained in that condition and position at all times.

Reason: In the interests of highway safety and convenience in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. No CCTV equipment or other cameras shall be installed on the site other than those shown on the approved solar farm layout plan, in accordance with the CCTV design details submitted with the application other than the poles that should be of timber construction. Each camera hereby permitted shall be static, shall be angled to have a fixed field of vision along the fence line and into the site, and shall be of a visual range all to be submitted to and approved in writing by the Local Planning Authority prior to the installation of any CCTV camera on site.

There shall be no subsequent variation to allow a greater field and range of vision for any of the cameras without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ1 and EQ2 of the South Somerset Local Plan.

17. Except for the installation of lighting on the proposed substation building, no other floodlighting, security lighting or other external means of illumination to light the proposed development, either directly or indirectly, shall be provided, erected, installed, fixed, placed or operated at the application site edged red (as indicated on the approved Site Location Plan), either on a permanent or, notwithstanding the provisions of Article 3, Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) on a temporary basis, without the approval in writing of by the Local Planning Authority.

Prior to the installation, fixing, placement and/or operation of any external lighting on the proposed substation building, details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority,

including through the provision of technical specifications. Such details shall include the equipment and supporting structures (if applicable), positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the building and the hours at which such lighting is to be operated, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality which is in proximity to the Cranborne Chase Area of Outstanding Natural Beauty and designated as an International Dark Sky Reserve; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan, the adopted AONB Management Plan, and relevant guidance within the NPPF.

18. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan.

19. Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To accord with planning policy seeking to protect heritage assets.

20. Prior to the commencement of development, a mitigation plan regarding the reduction of noise generated by any equipment installed, shall be submitted to and approved by the Local Planning Authority and thereafter retained throughout the lifetime of the development.

Reason: In the interest of residential amenity

**Informatives:**

01. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.



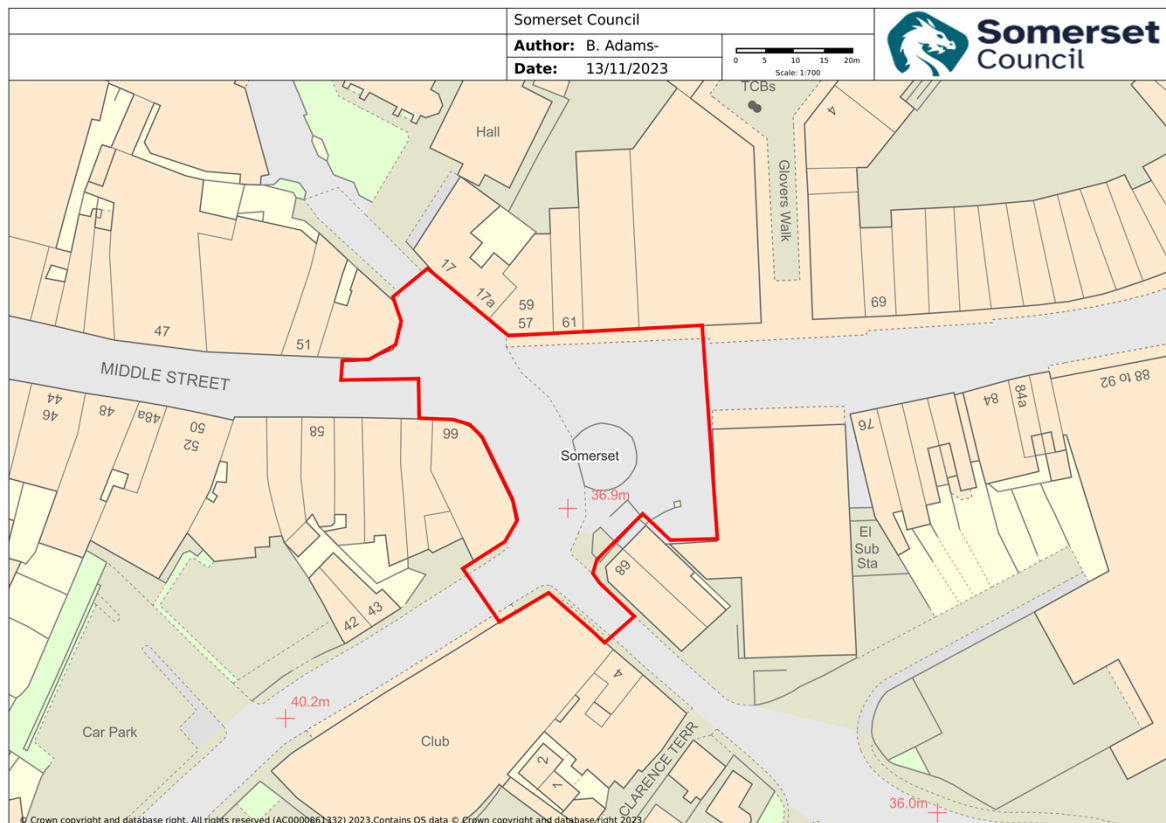
## Officer Report On Planning Application: 23/00860/R3C

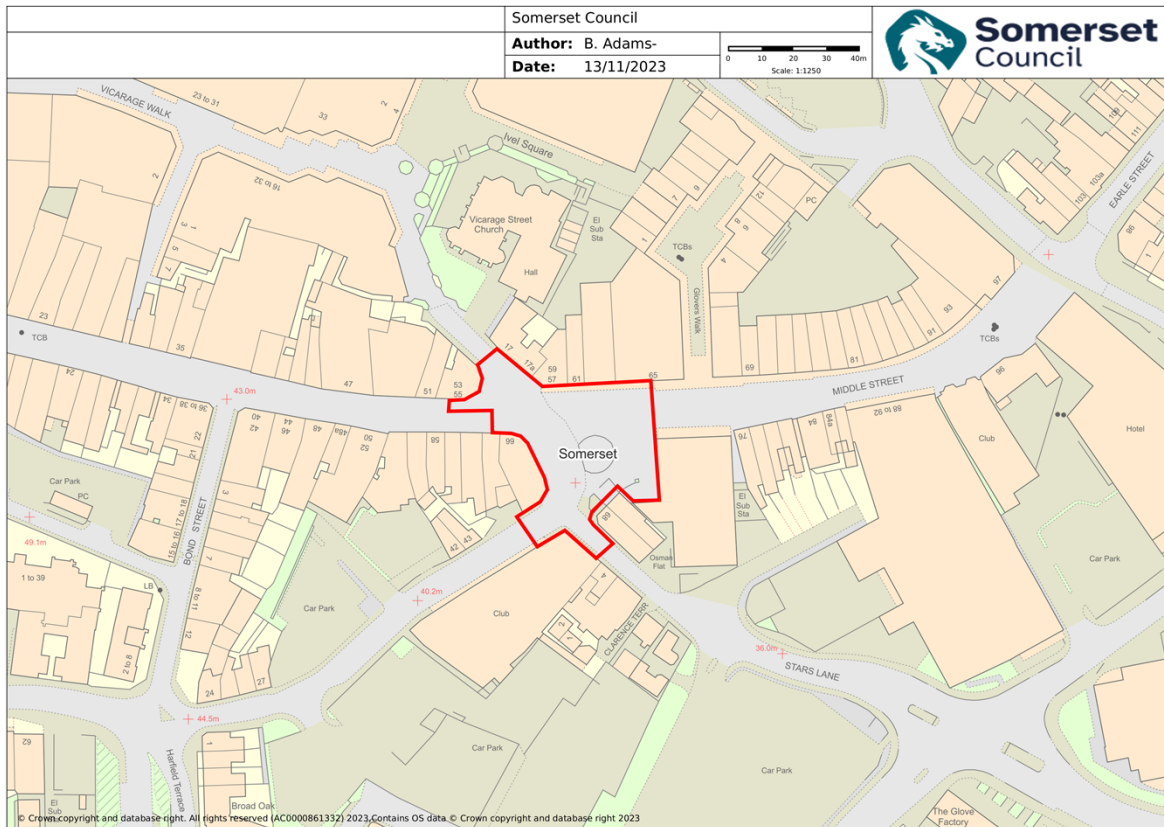
<b>Proposal:</b>	Proposed Large LED Screen
<b>Site Address:</b>	Land At The Triangle, Middle Street, Yeovil, BA20 1LQ
<b>Parish:</b>	Yeovil
<b>YEOVIL SOUTH Division:</b>	Cllr Faye Purbrick Cllr Andy Soughton
<b>Recommending Case Officer:</b>	Oliver Jones (Specialist)
<b>Target date:</b>	17th April 2023
<b>Applicant:</b>	Mr Ian Timms
<b>Agent: (no agent if blank)</b>	Mr Philip Staddon 26 Lea Crescent, Longlevens, Gloucester GL2 0DU
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Planning Committee (South) as the application is made by Somerset Council.

### SITE DESCRIPTION





The application site relates to land and public square known as 'The Triangle' to the eastern edge of Yeovil's town-centre and is formed by the junctions of Middle Street, Vicarage Lane and South Street / Stars Lane. The site lies to the eastern end of the identified 'Primary Shopping Frontage' which extends along Middle Street, and is also outwith the town centre Conservation Area. The site slopes gently down from west to east and the square's sense of enclosure is formed through a mixed architectural offering of mostly 3-storey buildings hosting a range of uses expected in this town centre location.

**PROPOSAL**

This full application is made in full and seeks planning permission for the erection of 1no. LED screen. It would be positioned alongside the eastern edge of The Triangle, against No. 74 Middle Street currently occupied by 'Poundland'. It would be supported on a steel pole structure and displayed approximately 3-metres above ground level. The screen itself would be presented in a 'landscape' format and would be 5.1-metres wide by 2.9-metres high. There would be 2 speakers, set either side of the screen. It is envisaged that the screen would be used to broadcast a number of key events (sporting, royal etc) throughout the year and when not in use for this purpose, it would be used for displaying static advertising on a loop, without sound - with images no changing any more often than every 10 seconds. The proposal forms one part of a

wider package of public realm improvements identified for 'The Triangle' area of the town-centre, which in themselves comprise part of the more extensive 'Yeovil Refresh' scheme.

A concurrent application for advertisement consent (23/00861/ADV refers) is under consideration. This is required given the proposed use of the screen advertisements.

## **HISTORY**

None

## **POLICY**

### **South Somerset Local Plan 2006 - 2028**

**SD1** Sustainable development

**EP13** Protection of retail frontages

**TA5** Transport impact of new development

**TA6** Parking standards

**EQ2** General development

**EQ3** Historic environment

**EQ4** Biodiversity

**EQ7** Pollution control

### **National Planning Policy Framework (2023)**

**Chapter 2** Achieving sustainable development

**Chapter 4** Decision-making

**Chapter 6** Building a strong, competitive economy

**Chapter 7** Ensuring the viability of town centres

**Chapter 8** Promoting healthy and safe communities

**Chapter 9** Promoting sustainable transport

**Chapter 12** Achieving well designed places

**Chapter 15** Conserving and enhancing the natural environment

Yeovil Town Centre Refresh (2018)

Yeovil Public Realm Design Guide (2020)

## **CONSULTATIONS**

Local Highway Authority - comment

13/11/23 - the area on which this screen would stand is covered by full vehicular highway rights:

In this regard the erection of the screen would remove the ability for vehicles to access the highway which cannot be done without a TRO. These currently cost £3300 and there is no guarantee that the public consultation would be successful.

If permission is granted the full legal situation would need to be investigated and a TRO applied for. A failure in this process would mean the permission could not be implemented.

Further, the screen would have to be positioned so as to not create a risk of glare or dazzling for any highway users. Conditions would be appropriate to ensure the luminance of the screen accords with the Institute of Lighting Engineers current guidance on sign illumination in the public realm, and conditions to secure this would be appropriate.

SC Environmental Health -

12/10/23 - Noise and light intrusion from the proposed LED screen have the potential to have a detrimental impact on the amenity of nearby residential properties. The planning statement suggests that the proposed hours of use of the LED screen will be 07:00 hours to 22:00 hours.

In order to mitigate any impact on amenity, I would recommend that a condition is attached to any planning permission to restrict the hours of use to those proposed in the planning statement.

Based on the above Environmental Protection therefore does not have any objections to the planning application.

Avon and Somerset Constabulary (Designing out Crime - comment

15/5/23 - I have reviewed this application on behalf of Avon and Somerset Police. At this stage I do not raise any formal objection. However I do have some relevant comments which I would request are taken into consideration.

The Yeovil Refresh Project Team contacted me prior to the formal planning application being submitted. Various discussions have taken place including a meeting to discuss the proposal which included a representative from the local

Neighbourhood Policing Team (NPT) for the Town Centre and our Licencing Officer.

The NPT have advised me that the crime and anti-social behaviour figures (ASB) for the locality where the screen will be located are high. This level can be obviously affected by the night time economy (NTE), and the new amphitheatre has the main venues in very close proximity.

The previous 'Bandstand' area, which the new amphitheatre is replacing, was often a congregating spot for street drinking and alike at various times.

So it is important that the development of this area and the use it is put to does not increase the potential for further crime and anti-social behaviour. It is also very crucial that it does not increase the fear of crime for visitors and residents. This will potentially decrease the numbers of legitimate users of the new amphitheatre and media screen.

When applying the principles of Crime Prevention Through Environmental Design (CPTED), levels of lawful activity is an area to consider and can be beneficial in reducing crime and ASB rates.

Another area under CPTED is the sense of ownership, maintenance and management. At present for various reasons the locality around the new amphitheatre, with the high number of vacant retail units and their current appearance, does not aid this point.

I realise that this application is though solely for the installation of the large media screen. So there are 2 facets to look at.

Firstly I have been supplied with plans for its installation. I have been provided with information that the sloped pathway directly behind it be well illuminated. The area under the screen will have landscaping that will not degrade surveillance opportunities behind the screen. The whole area will be fully covered by CCTV cameras.

Secondly is how it will be operated. The NPT and Licencing Officer have a number of concerns over this area. I have been advised that consideration is being given to showing various content, including planned occasions such as important sports events. If these types of events go ahead, how they are planned and controlled is very important for public safety and reducing the potential for crime and ASB, which could have an impact on demand for emergency services including the Police.

To address this second point I would ask that the Planning Authority give

consideration that if the application is passed a condition is set that details a requirement for the operators to agree a management plan/operating document with various relevant stakeholders such as Police.

## **COMMUNITY REPRESENTATIONS**

Yeovil Town Council - Support.

15/5/23 - Support.

Public comments -

8 representations in support of the application have been received. The comments can be summarised as follows; -

- Would enhance the town centre
- Would increase footfall within town centre
- Provide ability for local businesses to advertise locally
- Great community initiative
- Can work effectively depending on what is shown (refer to success in Bristol)

14 representations objecting to the application have been received. The comments can be summarised as follows; -

- Would be subject to vandalism
- Waste of public money
- People have TVs in their homes.
- Not environmentally friendly
- Noise
- Positioned in quiet part of town
- Priority should be filling empty units within the town

1 representation neither in support or objecting has been received. The comments can be summarised as follows; -

- Could provide some benefits (i.e large local sporting events)

## **OFFICER APPRAISAL**

### **Principle**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

In this instance the adopted development plan is the South Somerset Local Plan (2006 - 2028). The National Planning Policy Framework (NPPF) is also a significant material consideration.

In the first instance, it should be noted that a concurrent advertisement consent application is currently under consideration by the Local Planning Authority, as required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Advertisement Regulations) (23/00861/ADV refers). The reason for the planning permission also being required in this instance is the intended use of the LED screen for non-advertising uses; i.e the screening of events. Furthermore, the applications are not mutually dependent on each other and should be considered on their own merits.

Although there are no directly relevant policies within the development plan relating to such forms of development within town centres, the South Somerset Local Plan makes it an objective to improve the vibrancy and vitality of Yeovil town-centre. Paragraph 86 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

In this case, therefore, the principle of development is considered broadly acceptable since it would introduce an addition which should generally be compatible with other town centre uses. It forms part of a wider package of regenerative initiatives focussed on Yeovil's town centre. It is considered that the main issues for consideration relate to the visual impact of the development, and how it could impact upon amenity / neighbouring uses within the town centre.

### **Scale, design, and visual impact**

Policy EQ2 of the South Somerset Local Plan states that development will be designed to achieve a high quality and should promote local distinctiveness, preserving or enhancing the character and appearance of the area. Paragraph 130 of the NPPF emphasises the importance of high-quality design to create attractive places.

Although clearly not of any architectural merit, the proposal is befitting of its intended function and would arguably not read as alien within a town centre setting. It would be set against a backdrop of an existing building (which of itself is not considered to

be of any architectural or historical significance) and therefore, should not appear unduly prominent or overbearing within the immediate locale.

The application site is located out with any conservation area and is considered to be situated such that it would not impact on the setting of any other heritage assets, in accordance with Policy EQ3 of the South Somerset Local Plan, the relevant principles as set out within the NPPF and the statutory duties placed upon the Local Planning Authority through the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

As such, the proposal is considered to be in accord with the requirements of Policy EQ2 of the South Somerset Local Plan, as well as the principles as set out within Paragraph 130 of the NPPF.

### **Impact on residential amenity / neighbouring uses**

The application is accompanied by an Operational Statement which sets out how it is envisaged that the screen would be used. In essence, the screen would be used to show certain events / broadcastings and when not used for this (and subject to obtaining Advertisement Consent) would be used for local advertising or otherwise switched off in the interests of energy conservation.

Officers are mindful of the existing environment in which the screen would be located. While there is potential for the addition to increase noise and illumination levels, this would be in context of existing town centre uses and indeed, nearby licensed night-time economy establishments. As set out within the supporting statement, the prevailing use of the screen would be during the day and evening. Comments have been provided by the Council's Environmental Health Team whereby no objections are raised, subject to a condition which limits hours of use to between 07:00 hours to 22:00 hours only.

Some concerns have also been raised with respect to the potential impact that an addition could have on, potentially in terms of leading to an increase in crime or anti-social behaviour. As set out by the Designing Out Crime Officer, it is acknowledged that this area is subject to some levels of congregating for drinking. It is therefore important that the addition does not further encourage this and add to the sense of fear of crime which may prove counterproductive to the objectives of the initiative and enhancing this part of the town. It is noted that CCTV is in operation in this location.

Taking the two points into consideration and notwithstanding the separate licensing regime, it is considered reasonable and necessary to secure a detailed operational



and management plan which sets out measures for co-ordinating events / screenings in the interests of amenity and crime prevention.

When having regard to the town centre location and general compatibility with existing neighbouring uses, it is considered that subject to further details the proposal can be considered in accordance with Policy EQ2 of the South Somerset Local Plan and the principles relating to amenity as set out within Paragraph 130 of the NPPF.

### **Access and highways safety**

Policy TA5 of the South Somerset Local Plan seeks to ensure safe access and highway safety and that the local highway network can absorb the traffic impacts of developments. Chapter 9 of the NPPF at paragraph 111 explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal would be situated within an existing pedestrianised area / low speed environment. As per the comments provided by the Local Highway Authority, a Traffic Regulation Order (TRO) would need to be applied for and be successful in order to remove vehicles from accessing the area which the proposed screen would be situated. This process falls outside the planning regime but an informative is appended to ensure that the applicant is aware that a TRO is secured prior to any development starting.

It is not considered such that would lead to any distraction to vehicle users or pedestrians which could present a highway safety concern when having regard to other illuminations when taking cumulatively. Nevertheless and as commented by the Local Highway Authority, a safeguarding restricting the illumination levels to those which accord with the Institute of Lighting Engineers is recommended.

Furthermore, it would not lead to any loss in parking spaces within the town or otherwise compromise goals with respect to promoting active travel.

As such, subject to conditions, the proposal is not considered to result in any highways harm and thus does not conflict with the requirements of policy TA5 and TA6 of the South Somerset Local Plan, or the principles as set out within the NPPF, namely paragraph 111.

### **Ecology and Impact on the Somerset Levels and Moors Ramsar / SPA**

Policy EQ4 of the South Somerset Local Plan sets out that all proposals should

protect the biodiversity value of land and minimise the fragmentation of habitats, promoting coherent ecological networks. It goes on to state that proposals should maximise opportunities for restoration and enhancement and incorporate biodiversity conservation features where it is considered appropriate.

The NPPF specifies the obligations that the LPAs have regarding statutory designated sites and protected species under UK and international legislation and how this is to be delivered in the planning system.

In this case, there are no known protected species or designated sites within close proximity. The ecological value is considered low and the nature of the proposal is not such which would be considered to solicit any harm to protected species or wider ecological networks.

The proposal can be screened out of the Habitat Regulations Assessment (HRA) process on the basis that despite it being located within the hydrological catchment of the Somerset Levels and Moors Ramsar /SPA, it would not generate or facilitate any overnight accommodation and lead to any increased phosphate flows not already accommodated for within the catchment. The proposal is therefore considered nutrient neutral with no further assessment required.

## **CONCLUSION**

The scheme is acceptable in principle as the site lies within a sustainable town-centre location and forms part of a wider package of initiatives targeted at enhancing the vibrancy and vitality of Yeovil town-centre. The scheme is subject to a separate but concurrent advertisement consent application (23/00861/ADV refers) which considers the acceptability of the erection and display of an advertisement under the appropriate regulations. Nevertheless, the erection of and use of the LED screen for events is considered broadly acceptable from a visual and residential amenity perspective. It is not considered that it would lead to any adverse highways or ecology issues. The application is therefore considered to be representative of a sustainable form of development, according with the principal determining criteria. The application is accordingly recommended for approval subject to the conditions as set out below.

## **RECOMMENDATION:**

Grant planning permission subject to the conditions as set out below; -

01. The proposal would form part of a wider package of initiatives targeted at

enhancing the vibrancy and vitality of Yeovil town-centre and would not cause any harm to visual or residential amenity, highway safety or ecological networks. The application is therefore considered to accord with Policy SD1, EP13, TA5, TA6, EQ2, EQ3 and EQ4 of the South Somerset Local Plan, as well as the principles as set out within the National Planning Policy Framework (2023).

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

02. The development shall be carried out in strict accordance with the approved drawings (1231-03-LP-1001 A AND 1231-03-SK-2313-D ) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies EQ2 of the South Somerset Local Plan and the National Planning Policy Framework (2023)

03. Prior to the first use of the development hereby approved, a detailed operational management plan shall be submitted to and approved in writing by the Local Planning Authority.

The operational management plan shall include, but may not be limited to;

- An operational document agreed with the Local Licensing Authority and the Avon and Somerset Constabulary.
- Details of public relations e.g the provision of telephone numbers for complaints, pre-warning of events.
- Provision of noise monitoring during events likely to affect sensitive receptors.

Reason: In the interest of public order and residential amenity and to conform to the requirements of Policy SD1 and EQ2 of the South Somerset Local Plan and the principles as set out within the National Planning Policy Framework (2023).

04. The design and operation of the illuminated display shall comply with the following requirements;
- a) Illumination level of the display shall automatically adjust dependent on ambient conditions and shall be consistent with the guidance explained in the Institute of Lighting Professionals (ILP) Professional Lighting Guide 05 - entitled 'The Brightness of Illuminated Advertisements'
  - b) When not in use, or in the event of malfunction, the display shall turn off to show a black screen.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

05. The screen shall not be used outside of the hours of 07:00 - 22:00 Monday - Sunday including.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

**Informatives:**

01. The site is located on highways land which has full vehicle access rights. As such, on the basis where advertisement consent is granted the applicant would need to apply for a Traffic Regulation Order to restrict vehicular access. A failure in this process would mean the permission could not be implemented.
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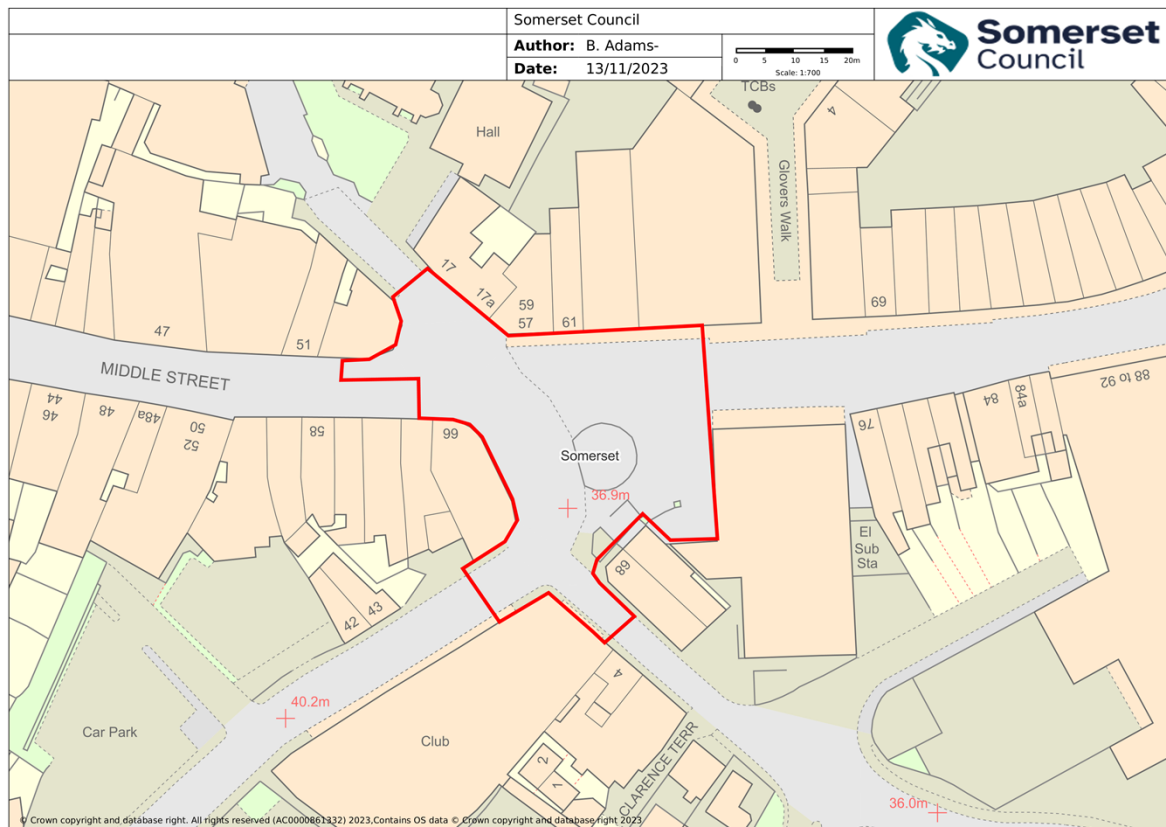
## Officer Report On Planning Application: 23/00861/ADV

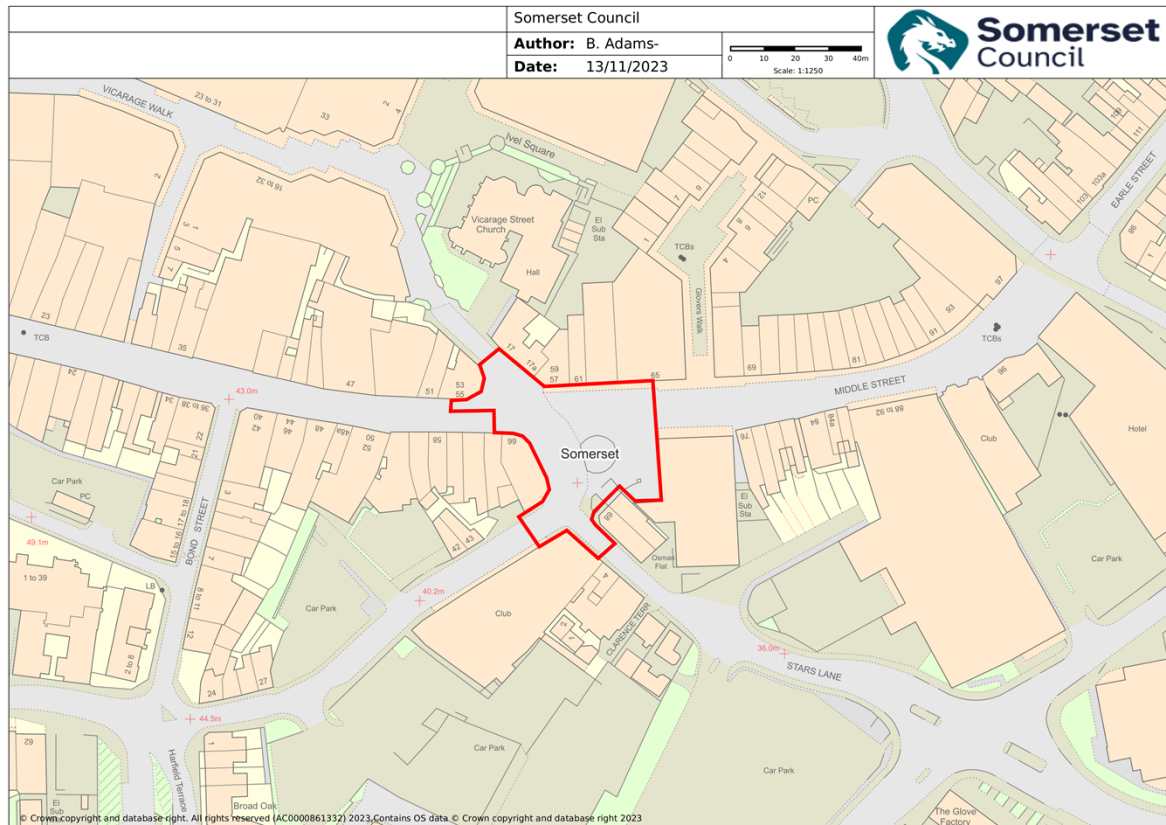
<b>Proposal:</b>	Proposed large LED screen.
<b>Site Address:</b>	Land At The Triangle, Middle Street, Yeovil BA20 1LQ
<b>Parish:</b>	Yeovil
<b>YEOVIL SOUTH Division</b>	Cllr Faye Purbrick Cllr Andy Soughton
<b>Recommending Case Officer:</b>	Oliver Jones (Specialist)
<b>Target date:</b>	22nd May 2023
<b>Applicant:</b>	Mr Ian Timms
<b>Agent: (no agent if blank)</b>	Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester GL2 0DU
<b>Application Type :</b>	Other Advertisement

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Planning Committee (South) as the application is made by Somerset Council.

### SITE DESCRIPTION





The application site relates to land and public square known as 'The Triangle' to the eastern edge of Yeovil's town-centre and is formed by the junctions of Middle Street, Vicarage Lane and South Street / Stars Lane. The site lies to the eastern end of the identified 'Primary Shopping Frontage' which extends along Middle Street, and is also outwith the town centre Conservation Area. The site slopes gently down from west to east and the square's sense of enclosure is formed through a mixed architectural offering of mostly 3-storey buildings hosting a range of uses expected in this town centre location.

## PROPOSAL

This application seeks advertisement consent for 1no. LED screen. It would be positioned alongside the eastern edge of The Triangle, against No. 74 Middle Street currently occupied by 'Poundland'. It would be supported on a steel pole structure and displayed approximately 3-metres above ground level. The screen itself would be presented in a 'landscape' format and would be 5.1-metres wide by 2.9-metres high. There would be 2 speakers, set either side of the screen. It would be used for displaying static advertising on a loop, without sound - with images not changing any more often than every 10 seconds. The proposal forms one part of a wider package of public realm improvements identified for 'The Triangle' area of the town-centre, which in themselves comprise part of the more extensive 'Yeovil Refresh' scheme.

A concurrent planning application (23/00860/R3C refers) is under consideration. This is required given the proposed use of the screen for broadcasting of events etc, rather than solely for advertising as otherwise considered through this application under The Town and Country Planning (Control of Advertisements) (England) regulations 2007.

## **HISTORY**

None.

## **POLICY**

The Town and Country Planning (Control of Advertisements) (England) regulations 2007

### **South Somerset Local Plan**

**Policy EQ2** General development

**Policy EQ7** Pollution control

**Policy TA5** Transport impact of new development

### **National Planning Policy Framework (2023)**

**Chapter 2** Achieving sustainable development

**Chapter 4** Decision-making

**Chapter 6** Building a strong, competitive economy

**Chapter 7** Ensuring the viability of town centres

**Chapter 8** Promoting healthy and safe communities

**Chapter 9** Promoting sustainable transport

**Chapter 12** Achieving well designed places

Yeovil Town Centre Refresh (2018)

Yeovil Public Realm Design Guide (2020)

## **CONSULTATIONS**

Local Highway Authority - comment; -

13/11/23 - the area on which this screen would stand is covered by full vehicular highway rights:

In this regard the erection of the screen would remove the ability for vehicles to access the highway which cannot be done without a TRO. These currently cost £3300 and there is no guarantee that the public consultation would be successful.

If permission is granted the full legal situation would need to be investigated and a TRO applied for. A failure in this process would mean the permission could not be implemented.

Further, the screen would have to be positioned so as to not create a risk of glare or dazzling for any highway users. Conditions would be appropriate to ensure the luminance of the screen accords with the Institute of Lighting Engineers current guidance on sign illumination in the public realm, and conditions to secure this would be appropriate.

## **COMMUNITY REPRESENTATIONS**

Yeovil Town Council - Support.

15/5/23 - Support, but to note that local businesses and community groups should be able to, advertise at a reasonable and affordable rate.

Public comments -

1 representation objecting to the application have been received. The comment can be summarised as follows; -

- Waste of public money

## **OFFICER APPRAISAL**

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 136 of the National Planning Policy Framework (NPPF) states that the display of outdoor advertisements should be controlled only in the interests of 'amenity' and 'public safety' (i.e. it is not appropriate for the Local Planning Authority to question the 'need' for an advertisement). The relevant issues for consideration are therefore limited to;

- Impact on amenity and the character and appearance of the area



- Impact on public safety

### **Impact on amenity and the character and appearance of the area**

Policy EQ2 of the South Somerset Local Plan states that development will be design to achieve a high quality and should promote local distinctiveness, preserving or enhancing the character and appearance of the area. Paragraph 130 of the NPPF emphasises the importance of high quality design to create attractive places.

Of great relevance, Paragraph 136 of the NPPF also acknowledges that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, and states that the cumulative impact of advertisements should also be taken into account. Care must be taken when signs are displayed on or close to listed buildings so that they do not detract from the character and appearance of the building.

Although clearly not of any architectural merit, the proposal is befitting of its intended function and would arguably not read as alien within a town centre setting. It would be set against a backdrop of an existing building (which of itself is not considered to be of any architectural or historical significance) and therefore, should not appear unduly prominent or overbearing within the immediate locale.

The application site is located outwith any conservation area and is considered to be situated such that it would not impact on the setting of any other heritage assets, in accordance with Policy EQ3 of the South Somerset Local Plan, the relevant principles as set out within the NPPF and the statutory duties placed upon the Local Planning Authority through the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

As such, the proposal is considered to be in accord with the requirements of Policy EQ2 of the South Somerset Local Plan, as well as the principles as set out within Paragraph 130 and 136 of the NPPF.

### **Impact on public safety**

The Local Highways Authority standing advice states that "any development shall ensure that external lighting should not interfere with the use of the highway (dazzle, glare, etc.) or considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway".. When having regard to the town centre location close to other sources of illumination and street lighting, which emit a considerably higher intensity of light when taken cumulatively, it is not considered that the advertisement would detract from the visual amenity of the locality.

The proposal would be situated within an existing pedestrianised area / low speed environment. As per the comments provided by the Local Highway Authority, a Traffic Regulation Order (TRO) would need to be applied for and be successful in order to remove vehicles from accessing the area which the proposed screen would be situated. This process falls outside the planning regime but an informative is appended to ensure that the applicant is aware that a TRO is secured prior to any development starting.

It is not considered such that would lead to any distraction to vehicle users or pedestrians which could present a highway safety concern when having regard to other illuminations when taken cumulatively. Nevertheless and as commented by the Local Highway Authority, a safeguarding restricting the illumination levels to those which accord with guidance of the Institute of Lighting Engineers is recommended.

Furthermore, it would not lead to any loss in parking spaces within the town or otherwise compromise goals with respect to promoting active travel.

The proposed screen would be fixed and set against an existing building and would display static images (when used for advertising). It is not considered that the advert would therefore give rise to any other public safety concerns.

It can therefore be considered in accordance with Policy EQ2 and TA5 of the South Somerset Local Plan and the principles relating to amenity as set out within Paragraph 130 and 136 of the NPPF.

## **CONCLUSION**

The proposed advert is not considered such which would give rise to any unacceptable impact on amenity and the character and appearance of the area or public safety. Therefore it is considered that advertisement consent is granted.

## **RECOMMENDATION:**

Grant advertisement consent subject to the conditions as set out below; -

01. The proposed illuminated digital LED advertising screen would not give rise to any unacceptable impact on amenity and the character and appearance of the area or public safety. The proposal is therefore considered to be in accordance with Policy EQ2, EQ7 and TA5 of the South Somerset Local Plan as well as the principles as set out in the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. (a) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- (b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
- (c) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- (d) Before any advertisement is displayed on land in accordance with the consent now granted, the permission of the owner of that land, or of a person entitled to grant such permission, shall be obtained.
- (e) The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

02. The development shall be carried out in strict accordance with the approved drawings (1231-03-LP-1001 A AND 1231-03-SK-2313-D ) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies EQ2 of the South Somerset Local Plan and the National Planning Policy Framework (2023)

03. The design and operation of the illuminated display shall comply with the following requirements;
- a) Illumination level of the display shall automatically adjust dependent on ambient conditions and shall be consistent with the guidance explained in the Institute of Lighting Professionals (ILP) Professional Lighting Guide 05 - entitled 'The Brightness of Illuminated Advertisements'
- b) When not in use, or in the event of malfunction, the display shall turn off to show a black screen.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

04. No illumination shall be displayed outside of the hours of 07:00 - 22:00 Monday - Sunday including.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

05. No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.

Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

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**Report for Information  
Planning Committee - South**



28 November 2023

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**Appeal Decisions (for information)**

To inform members of the planning appeal decisions received for the Planning Committee - South area since the previous agenda was published (3 November 2023).

No appeal decisions have been received since the previous agenda was published.

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